G R S App [illegible] IX-4]

194

File N[illegible]

Previous References.

Serial Nos

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for

SUBJECT

From the chief engineer
No 1117 43 dt 19-11-43
Solicites instructions as regards the adjustment of a sum of Rs 861/- due as donation from one Mr H V Venkatachalam, contractor towards the construction of the Gudalavalli High school

1) In G.O. dt 23-11-39 sanction was accorded for the construction of the school in question at an estimated cost of Rs 18,130/-, the work being entrusted to Messrs H K Madrah and V Venkatappa who promised to donate a sum of Rs 8,399/- towards the cost of the construction

2) Subsequently, Mr H K Madrah dropped off, and the work was entrusted to Mr V Venkatappa and his son Mr H V Venkatappa, at an estimated cost of Rs 14,400/- (omitting the construction of certain portion of the building) and these persons have promised to contribute Rs 4,400/- towards the same

Mr V Venkatappa & his son executed the work to the extent of Rs 8,073/- out of which their contribution amounts to Rs 2691/- against which a sum of Rs 1830/ has already been adjusted, leaving a balance of 861/- due by them as contribution

4) The remaining portion of the work was got done by some other contractor at extra cost of Rs 2,500/, as the above said contractors did not proceed further with the work

In view of the undertaking executed by the contractor to execute the work on a total payment of Rs 10,000/- by defective, the Asst Controller observes, that no action could be taken to recover the loss in this respect

2) But Dr Venkatappa, claims that as the of the entire work of the school is named after his father, hence the amount contributed. so far Rs 1,830/- should also be returned

A 1) But the chief Engineer solicitus instruction in the matter of adjusting This amount of Rs 861/- due by Dr Venkatappa, as contribution towards the work executed by him and on forfeiting the amount deposited by him

2) But the D C is in favour of refunding the deposit amount for the reasons detailed at para 5 - supra

3) The Law section may perhaps be consulted on the opinion of the chief Engineer as at A supra

In order

17/12/43 The Law section may be consulted if action as proposed by the Chief Engr may be taken in the case of the case without incurring any legal liability so far as the Govt are concerned

Law Asst 28/12/43

Secy to Govt 10/1/44

For favour of opinion

Law Asst

SECY LAW DEPT 6448 GOVT MYSORE
Law 63/43-44
10/1/44

Continuation Sheet

File No
Current No

The Chief Engineer would know, if he is legally entitled to deduct ₹ 861/ out of the pay of all Bills of Contractor Venkatoba

From the letter of the Chief Engineer it is seen that the Contractor has earned out work to the extent of ₹ 8073/- & as per the terms of the agreement, he has to forthwith pay the Contribution ~~₹~~ ₹ 2691, being 1/3 of the Bill amount, & out of this amount ₹ 1835/ has already been received, & as such, the Chief ~~ordered to deduct~~ deduct ₹ 861/ from the amount of Bill

We do not know, why the Contractor stopped ~~doing~~ bringing the work to completion ~~we do not know, why~~ But according to the terms of the agreement, he has to pay ₹ 861/ towards his Contribution

Now does not seem to be anything mentioned in the agreement about the forfeiture of the Contractor to his Contribution in case of breach of Contract, then the forfeit money may be forfeited, otherwise it may be refunded

As per the request made in the Bill of Venkatoba the Chief Engineer's request that the same be favourably considered, & pay ₹ 861/

Settlement of the claim of Mr M.V. Venkatappa
Contractor for the construction of a Municipal
Middle School at Chikballapur

Continuation Sheet | File No | Current No 3249/2 | of | Page

Mr Venkatappa consents of the
6 Lacs Rs861/- is a question to be considered only
to decide the other question of Damages and
Block as the name of Venkatappa, but both Engrs
& Legally entitled to deduct Rs861/- when
adjusting the final Bill, as the Contractor has
agreed to receive only 2/3rd of the Bill amt
& keep 1/3rd as the Contribution

(Law Secy) 3
7/2/44

Rs861/- may be
recommended to the Government
Named after the Inspection

CS
6-2-44

(Asst Secy
L Sy) 3
8/2/44

Draft letter submitted to
the C E
8/2/44

Draft letter submitted for approval
Mina 10/2 (Law Secy) 11/2/44

May be approved
The party must agree to it

(Minister Sy) CS
11-2-44

CS
22-2-44

CS
23-2-44

(Asst Secy) 23/2/44

7614
7/2/44

OFFICE OF THE MINISTER
FOR L S G & P H
Dt 12/2/44
No 5283

TYPI

CTN C F

To,

The chief Engineer

L 8932 dt 27-2-44

issues certain orders in the matt

L 8933 dt 27-2-44 - D e h

WD 01809—GPB—60 000 —96 1 13

C F No 45]

GOVERNMENT OF MYSORE

OFFICE OF

The Chief Engineer of Mysore,
Public Works Department,
Bangalore

Date 19th November 1943

No 11743
Encls 7

To

The Secretary to Government,
Law Department,
Bangalore

Sir

Petition dated 6-5-1943 of Mr M V Venkatappa Contractor, Malavalli, for settlement of his claims for the construction of a Municipal High School at Malavalli

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1) In enclosing a copy of the above petition addressed to the Executive Engineer, Mandya Division, I have the honour to state as follows -

2) According to Government Order No L 4916-9/M1 48-38-195 dated 23-11-1939 sanctioning an estimate amounting to Rs 18,130/- for the construction of the Municipal High School in question, the work was entrusted to Messrs H K Madiah and V Venkatappa who executed a matchalika agreeing to construct the building according to approved plan and receive in payment a sum of Rs 9,731/- kept in the Savings Bank earmarked for the purpose, the balance of Rs 8,399/- being found by themselves Subsequently Mr H K Madiah dropped off and Mr V Venkatappa and his son Mr M V Venkatappa came forward to do the work costing Rs 14,400/- (omitting the construction of the room intended for the clerks, etc) and to receive payment of Rs 10,000/- only treating the balance of Rs 4,400/- as their contribution

3) The High School Managing Committee of Malavalli approved this proposal vide Deputy Commissioner's letter No A 4 105/39-40 dated 16-5-1940 (copy enclosed)

4 These contractors did the work to an extent of Rs 8,073/- of which Rs 2,691/- being one-third of the bill amount has to be recovered as donation A sum of Rs 1,830/- has already been adjusted so far and the balance of Rs 861/- has to be recovered in the pending final bill But the contractor Mr M V Venkatappa has submitted in his petition that his quota of donation may be taken as Rs 1,830/- only i.e. the amount received so far and that he is not agreeable to pay any further sum He has in fact asked for a refund of even this Rs 1,830/- if the entire wing of the school is not named after his father As he did not fulfil his portion of the contract by completing the work agreed upon, not only is there a loss of the bal of the donation due but also there has been an extra cost of nearl Rs 2,500/- consequent on the fresh tenders called for His petitio for the refund of the donation already recovered would th not tenable As the donation due from him for the work d would be Rs 2,691/- the amount of Rs 861/- still due will adjusted from his final bill

5) The Deputy Commissioner, Mandya District, in his

letter No I C 173/42-43 (copy enclosed) opined that the penal clause for the stoppage of work may not be insisted upon and the refund of the tender deposit prayed for may be considered favourably As he did not complete the work and the remaining work had to be got done at extra cost, I am not in favour of refunding the earnest money

6) Regarding his request to name the wing after his father, the Deputy Commissioner has stated in his letter D O A 5/Edn 26-41-42 dated 15-6-1943 that he is not in favour of complying with the request of the contractor if he does not pay Rs 861/- referred to above and if he is agreeable to pay the amount the naming of the wings may be considered in consultation with the Municipal Council of Malavalli But Mr I V Venkatappa has represented in his petition dated 26-9-1943 (copy enclosed) that he is not in favour of giving any more donation except what he has paid and if the Department does not agree to name the entire wing in the name of his father the donation of Rs 1,830/- paid already may be refunded

7) It has been stated in the Audit note by the Inspecting Assistant Comptroller (copy enclosed) that the agreement taken by the Amildar on 29-3-1940 from the contractor is unstamped and that it is a simple mutchalika and very defective From the copy of the agreement enclosed it is seen that it is not executed on a twelve annas stamped paper and the work is agreed to be completed before October 1940 However there is no stipulation in it of any penalty leviable for violation of the terms of the contract

8) According to Government Order No E 4770-74/Edn 1-41-383 dated 16-6-1942 against the estimated cost of Rs 18,130/- the Government grant is Rs 4,560/- only as per details noted below -

1	Contribution from the local Municipality	Rs 10,000/-
2	Amount of work done by the previous contractors towards their donation	Rs 1,830/-
3	Amount waived towards tools and plant charges by Government	Rs 1,740/-
4	Government share	Rs 4,560/-
		Rs 18,130/-

As the accepted tender rate is 33 1/3 % more than the original estimate rate extra amount of Rs 3,190/- is required to complete the work and the Government grant will have to be increased by an additional grant equal to this amount

9) I request your opinion in the matter of adjusting the donation amount of Rs 861/- when settling the claims of the contractor finally and also in forfeiting the deposit amount

I have the honour to be,
Sir,
Your most obedient servant,

19/6/43

Chief Engineer of Mysore

19/11

1 Copy of Petition
2 Letter Copies
1 Extract of Audit Note
1 Copy of Agreement
1 " of Agreement —
6

6

Appendix F G —1]

SUBJECT

Section Mil

File No 9 6-43

Serial No 17

Diary No of letter replied to

No L8932

General and Revenue Secretariat

( )

194

To

The chief Engineer & Supt
P W D

Date of issue 27/12

Sir,

Signed by

With reference to your
No 11743 dt 15-11-43 I have
instructions as to whether
the re the adjustment of
sum of Rs 861/- due as damages
from M/s M & Venkatasubba
contractors, made by them from
the construction of the local
School, I am directed
to state that the amount
may be adjusted while
settling the final bill.

List of enclosures

Codied by

Examined by

WD 4161—GPB—60 000—24 10 41

the contractor and that one
wing of the School & may be named
after him further provided the Bank is agreeable to the
deposited by him towards this work may
~~xxx~~ be refunded, unless, ~~in the absence of any~~
~~vacation on the application~~
~~executed by him about this,~~ he
Records accompany Minister has committed the breach of contract

I have the
cus
11 2 44
for Dr secy, Law

Memo no L 8933 dy 27/2
copy of the above is forwarded
to the D C - Nanyuki Dist for information

B D
for
Dr secy, Law